THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17225 of 2007

Dated: 14.08.2007

Between:

Shaik Alla Bakash

..... PETITIONER

AND

The Sub Inspector of Police, P.S.Chinna Mandyam,
Kadapa District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17225 of 2007

ORDER:

The petitioner was allegedly assigned house site admeasuring Ac.0.04 in survey No.285/3-A situated at Chinna Mandyam Village, Chinna Mandyam Mandal, Kadapa District. She also constructed a house therein bearing door No.6/59A, which was assessed to Panchayat tax. Third respondent appears to have filed a suit, being O.S.No.41 of 1993 on the file of the Court of the Principal Junior Civil Judge, Rayachoty, for declaration and injunction and subsequently the same was dismissed for default on 23.08.2002. C.M.A.No.4 of 2006 filed by third respondent on the file of the Senior Civil Judge, Rayachoty, was allowed and the

matter was remitted to the lower Court. Subsequently the lower Court dismissed the suit. It is now alleged that first respondent visited the house and directed the petitioner to vacate the house. In spite of the petitioner explaining about the grant of patta and construction of house, respondents 1 and 2 are directing him to vacate the house. On these allegations the petitioner filed instant writ petition.

After hearing the learned counsel for the petitioner and perusing the affidavit accompanying the writ petition, this Court is convinced that the writ petition is filed on mere apprehension without any basis. There cannot be any doubt that if the petitioner was assigned house site patta as alleged the same can be cancelled and he can be dispossessed only after following due process of law.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

14th August, 2007
ghn